

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA,

v.

NIGEL LIVINGSTON,

Defendant.

21-CR-558 (RA)

ORDER

RONNIE ABRAMS, United States District Judge:

On April 14, 2022, Defendant Nigel Livingston pleaded guilty to possession of a firearm after having been convicted of a felony in violation of 18 U.S.C. §§ 922(g)(1), 924(a)(2), and 2. On December 12, 2022, Livingston moved to withdraw his plea, asserting that the Government failed to comply with its obligation to provide material consistent with *Brady v. Maryland*, 373 U.S. 83 (1963), and that he is legally innocent.

For reasons that will follow, Livingston's motion is denied. No later than March 10, 2023, the parties shall advise the Court of their availability for the *Fatico* hearing and sentencing during the month of April.

SO ORDERED.

Dated: March 6, 2023
New York, New York



Ronnie Abrams
United States District Judge